

17.06.2022

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Allowed

C.R.M. (NDPS) 665 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No. 69 of 2020 dated 17.08.2020 under Sections 21(c)/23(c) of the NDPS Act.

And

In Re : Tarikul @ Ratan Momin & Anr. petitioners

Ms. Busra Khatun

.....for the petitioners

Ms. Manisha Dharma

....for the State

Heard the learned Counsels appearing for the parties.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioners in the alleged crime and as no narcotic substance has been recovered from their possession and their complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory presumption under Section 37 of the NDPS Act and in view of the period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Balurghat, Dakshin Dinajpur, subject to

condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)